

STATE OF INDIANA
COUNTY OF LAPORTE

IN LAPORTE SUPERIOR COURT 2
MICHIGAN CITY, INDIANA

DAVID PANNELL,
Plaintiff,

v.

JUANITA HARRIS,
Defendant.

F I L E D
IN OPEN COURT

AUG 22 2005

Cause No. 46D02-0507-CT-097

Spencer J. Shank
CLERK OF LA PORTE SUPERIOR COURT NO. 2

JUDGMENT AGAIN DISMISSING CAUSE WITH PREJUDICE
[Directives to Clerk regarding mailing of this order]

This cause of action again comes before this court upon the filing of "Plaintiff's Amended State [Section] 1983 Civil Rights Complaint" by David Pannell, an offender acting *pro se*, on the 18th day of August, 2005, and the court having examined that pleading and being duly advised in the premises, now issues and files the following findings and conclusions of law:

1. This court has subject matter jurisdiction over that general class of proceedings to which this cause of action belongs.
2. No hearing was held with respect to the instant pleadings, which are addressed and disposed pursuant to Indiana Code 34-58-1-2.
3. On the 1st day of August, 2005, this court dismissed this cause of action pursuant to Indiana Cod 34-58-1-2 for the reasons set forth in that order which included the fact that various claims were barred pursuant to principles of *res judicata*, that Mr. Pannell's complaint failed to state a claim upon which relief could be granted, and that David Pannell's repetitive grievances against Juanita Harris that have been filed within the Department of Corrections, his prior lawsuit in Cause Number 46D02-0503-CT-033, and

his allegations in this cause reflect that David Pannell is engaged in this litigation for the primary purpose of harassment of Juanita Harris.

4. On August 10, 2005, David Pannell filed a motion to correct errors in this cause. On August 12, 2005, this court issued an order denying that motion to correct errors.

5. As was also the case in cause number 46D02-0503-CT-033, where David Pannell embarked on a series of seven to eight motions after Senior Judge Thomas Webber dismissed that lawsuit, Mr. Pannell now perpetuates his post-dismissal litigation in this cause by filing his amended complaint, a procedural vehicle not recognized per Indiana Code 34-58-1-4 but tacitly implicated per Trial Rule 12 and its relationship to that governing statute.

6. For all the reasons set forth in this court's order of August 1, 2005, as well as the fact that Mr. Pannell's amended complaint herein merely reinforces the proposition that he is bent on utilizing all avenues available to harass the law librarian at the Indiana State Prison, the amended complaint should be dismissed with prejudice.

7. No further amendment of the complaint shall be permitted; if David Pannell attempts to do so, no action will be taken by this court with respect to that pleading.

8. The clerk of this court is ordered to forward copies of this order to the Attorney General of Indiana, the Department of Correction and the following persons:


David Pannell, #963265
Indiana State Prison
P.O. Box 41
Michigan City, In. 46361-0041

Juanita Harris, Law Librarian
Indiana State Prison
P.O. Box 41
Michigan City, In. 46361-0041

WHEREFORE, IT IS ORDERED AND ADJUDGED that this cause of action be,
and it is hereby, dismissed with prejudice.

IT IS FURTHER ORDERED AND ADJUDGED that this dismissal shall constitute
a final judgment dispositive of all claims stated by David Pannell and shall be immediately
subject to appeal.

Judgment entered this 22nd day of August, 2005.



Steven King, Judge
LAPORTE SUPERIOR COURT 2

[Distribution by clerk per paragraph 8 herein]